

Benjamin H. Zieman, Esq. (082712013)

ANDERSON & SHAH LLC

457 Haddonfield Road, Suite 120

Cherry Hill, New Jersey 08002

856-393-2371 (p); 856-528-1700 (f)

bzieman@andersonshahlaw.com

*Attorney for Defendants Atlantic City Board of Education, former Superintendent Paul A. Spaventa, and current Superintendent Barry Caldwell*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY  
CAMDEN VICINAGE**

JANE DOE, on behalf of JOHN DOE,  
her minor child,

Plaintiffs,

v.

MARTY SMALL, SR., et al.,

Defendants.

Hon. Joseph H. Rodriguez, U.S.D.J.

Hon. Sharon A. King, U.S.M.J.

Docket No. 1:21-cv-11189-JHR-SAK

**NOTICE OF MOTION TO DISMISS  
PURSUANT TO  
FED. R. CIV. P. 12(B)(6)**

TO: United States District Court  
District of New Jersey – Camden Vicinage  
Mitchell H. Cohen Building & U.S. Courthouse  
4th & Cooper Streets  
Camden, NJ 08101

Terrell A. Ratliff, Esq.  
Lento Law Group P.C.  
300 Atrium Way, Suite 200  
Mt. Laurel, NJ 08054  
*Attorney for Plaintiffs*

Jeffrey L. Shanaberger, Esq.  
Hill Wallack, LLP  
21 Roszel Road, PO Box 5226

Princeton, NJ 08543-5226

*Attorney for Defendant La'Quetta Small-Frazier (in her official capacity as former Principal of the Pennsylvania Avenue School)*

**PLEASE TAKE NOTICE** that on October 4, 2021, or as soon thereafter as counsel may be heard, the undersigned attorneys for Defendants Atlantic City Board of Education, former Superintendent Paul A. Spaventa, and current Superintendent Barry Caldwell will move before the Honorable Joseph H. Rodriguez, U.S.D.J., for an Order dismissing (a) all claims against Spaventa and Caldwell, and (b) all claims against the Board except for the vicarious liability components of Counts 5 and 6 which are based on Principal Small-Frazier's alleged negligence/gross negligence in the performance of her official duties.

**PLEASE TAKE FURTHER NOTICE** that the undersigned shall rely upon the attached Brief and Certification of Counsel with Exhibits in support of the motion.

**PLEASE TAKE FURTHER NOTICE** that pursuant to Fed. R. Civ. P. 78, oral argument is not requested.

A proposed form of Order is attached.

ANDERSON & SHAH LLC

Dated: September 10, 2021

By: s/ Benjamin H. Zieman  
Benjamin H. Zieman, Esq.